

## Message Text

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56

ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15

USIA-15 IO-13 SCCT-01 EB-07 AID-05 PC-05 SY-05 /105 W

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4180

INFO USCINCSO

UNCLAS CARACAS 9268

E.O. 11652: N/A

TAGS: PINS, ASEC, SHUM, VE

SUBJECT: TWO OTHER TORTURE CASES CONFIRMED

REF: CARACAS 9244

1. FOLLOWING MEDICAL EXAMINATIONS OF DISIP DETAINEES IN THE NIEHOUS KIDNAPPING CASE, GOV FISCAL GENERAL JOSE RAMON MEDINA STATED JULY 29 THAT TWO SUSPECTS, FRANCISCO CEDENO AND DAVID NIEVES, SHOWED SIGNS OF PHYSICAL MISTREATMENT AND HAD PRESUMABLY BEEN TORTURED WHILE IN CUSTODY. (MEDINA'S ANNOUNCEMENT FOLLOWED A SIMILAR ONE BY INTERIOR MINISTER OCTAVIO LEPAGE JULY 26 THAT ANOTHER SUSPECT IN THE NIEHOUS CASE, JORGE RODRIGUEZ, HAD DIED WHILE IN POLICE CUSTODY.) MEDINA SAID A THIRD DETAINEE, IVAN PADILLO, HAD ALSO BEEN EXAMINED BUT THERE WAS NO INDICATION HE HAD ALSO BEEN TORTURED. IN A SEPARATE STATEMENT MEDINA MAINTAINED THAT THERE WAS INSUFFICIENT EVIDENCE TO INDICATE LARGE-SCALE OR SYSTEMATIC ABUSE OF PRISONERS AT THE HANDS OF POLICE OFFICIALS. "I WANT TO BE EMPHATIC THAT IN THE CASE OF JOREGE RODRIGUEZ OR POSSIBLE CONFIRMATION OF OTHER CASES OF PHYSICAL MISTREATMENT OF DETAINEES IN THE NIEHOUS CASE, THERE IS INSUFFICIENT EVIDENCE TO SPEAK OF WIDE-RANGING POLICE TORTURE OR SUGGEST THAT TORTURE IS A PERMANENT FEATURE EMPLOYED BY POLICE ORGANIZATION," MEDINA SAID. HE ADDED, "SPORADIC INCIDENTS OF VIOLENCE SHOULD NOT BE CONSIDERED AS A SYSTEM OR

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A METHOD USED BY THE POLICE DAILY OR IN A ROUTINE MANNER. IN

MY OPINION THIS ISOLATED CASE, WHICH HAS BEEN CONDEMNED BY THE PUBLIC, CAN SERVE TO IMPROVE THE ORGANIZATION AND PERFORMANCE OF THE POLICE."

2. IN THE CONTINUING CHAMBER OF DEPUTIES DEBATE, AD DEPUTY DAVID MORALES BELLO PRESENTED A STRONG DEFENSE JULY 29 OF THE GOV'S ACTION IN THE NIEHOUS CASE AND REJECTED THE POSITION TAKEN BY MIR DEPUTY AMERICO MARTIN THAT THE GOV'S ACCUSATIONS AGAINST DEPUTIES FORTUNATO HERRERA AND SALOM MEZA REPRESENTED AN ATTACK ON THE CONGRESS. PROVIDING MORE DETAILS OF THE GOV'S EVIDENCE AGAINST THE TWO DEPUTIES, MORALES CLAIMED THAT HERRERA HAD BEEN SEEN BY WITNESSES CONVERSING WITH PERSONS INVOLVED IN THE KIDNAPPING AND HAD ACTED ALSO AS AN AGENT OF THE KIDNAPPERS. "THERE ARE NOTES, WRITTEN BY HERRERA INDICATING AN EFFORT TO HELP COLLECT THE RANSOM MONEY," MORALES SAID. HE MOREOVER CHARGED THAT HERRERA HAD TRIED TO USE A CONGRESSIONAL EMPLOYEE AS AN INNOCENT MESSENGER IN THE CASE. TURNING TO MEZ, MORALES SAID MEZA HAD SPOKEN IN THE NAME OF THE KIDNAPPERS ON 5 OCCASIONS AND HAS BEEN INVOLVED IN THE ATTEMPTED COLLECTION OF A BS. 100,000 DOWNPAYMENT FOR NIEHOUS' RELEASE. HE SUGGESTED THE MEP DEPUTY HAD BECOME INVOLVED WITH THE KIDNAPPERS BECAUSE OF UNSUCCESSFUL BUSINESS DEALINGS WITH OWENS-ILLINOIS.

3. FOLLOWING MORALES' SPEECH, AD USED ITS MAJORITY IN THE CHAMBER TO DEFEAT A MAS/COPEI PROPOSAL THAT THE CONGRESS APPOINT A SPECIAL COMMITTEE TO INVESTIGATE ALL ASPECTS OF RODRIGUEZ'S DEATH. INSTEAD THE CHAMBER APPROVED AN AD MOTION TO HAVE THE CHAMBER'S INTERIOR RELATIONS COMMITTEE CHAIRED BY MORALES CARRY OUT THE INVESTIGATION.

4. MEANWHILE THE GOV'S FINDINGS AGAINST THE SUSPECTS IN THE NIEHOUS CASE WERE TURNED OVER JULY 29 TO THE MILITARY COURT SYSTEM FOR INDICTMENT UNDER MILITARY JUSTICE. THIS COURSE OF ACTION WAS DECIDED UPON BECAUSE THE KIDNAPPERS CARRIED MILITARY WEAPONS DURING THE CRIMS. INVESTIGATORS FROM THE FISCAL GENERAL'S OFFICE REPORTEDLY HAVE NEARLY COMPLETED

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THEIR INQUIRY INTO THE CIRCUMSTANCES OF RODRIGUEZ'S DEATH AND WILL MAKE THEIR FINDINGS KNOWN NEXT WEEK.  
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